



2010 JUN -8 PM 4:25

Approved for use through 03/31/2012. OMB 0651-0016  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

RECEIVED

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450  
Fax: (571) 273-8300

JUN 11 2010

06/10/2010 DALLEN 00000010 6622412

01 FC:1599

1190.00 OP

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6622412

Application Number: 09854087

Issue Date: 09/23/2003

Filing Date: 05/11/01

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable:**

The above-identified patent:

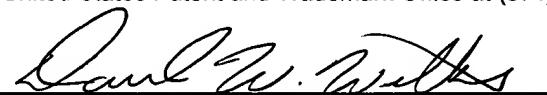
- is a reissue of original Patent No. \_\_\_\_\_ original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_  
original filing date \_\_\_\_\_
- resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

June 1, 2010  
Date  
Signature

David W. Wilkes

Typed or printed name of person signing Certificate

## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/>	\$ _____	3 ½ yr fee	<input checked="" type="checkbox"/>	\$ 490	3 ½ yr fee
<input type="checkbox"/>	\$ _____	7 ½ yr fee	<input type="checkbox"/>	\$ _____	7 ½ yr fee
<input type="checkbox"/>	\$ _____	11 ½ yr fee	<input type="checkbox"/>	\$ _____	11 ½ yr fee

MAINTENANCE FEE BEING SUBMITTED \$ 490

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700

## 5. MANNER OF PAYMENT

Enclosed is a check for the sum of \$ 1,190

Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_

Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

RECEIVED

JUN 11 2010

OFFICE OF PETITIONS

## 7. OVERPAYMENT

As to any overpayment made, please

 Credit to Deposit Account No. \_\_\_\_\_

OR

 Send refund check

RECEIVED

JUN 11 2010

OFFICE OF PETITIONS

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.



Signature(s) of Petitioner(s)



Date

David W. Wilkes

Typed or printed name(s)

Registration Number, if applicable

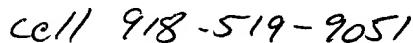
20905 S. 4090 Rd.



Telephone Number

Address

Claremore, Ok. 74019



Address

## ENCLOSURES:

- Maintenance Fee Payment
- Statement why maintenance fee was not paid timely
- Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- Other:

Attachments: A-Notification of maintenance fee, B- Divorce decree, C- AEP's announcement of staff reductions, D- Update of severance program

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

David W. Wilkes  
Signature

June 1, 2010

Date

David W. Wilkes

Type or printed name

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

First, I'd like to point out I'm an individual, not backed by a company in any way. As such, in obtaining this patent all funds came from my personal savings.

On Sept. 28<sup>th</sup>, 2006, I was notified by my attorney the first maintenance fee of \$815 was due by March 23, 2007 (see attachment "A"). Three months prior, the divorce from my wife of 23 years was finalized. Even though she'd had an affair and eventually married her real estate partner, Oklahoma is a 50-50 state and I had to buy her out. This buyout consisted of a \$16,000 check (all my savings) and \$56,730 from my company retirement plan. Plus, I had to pay \$400/month for the next 3 years to finish paying what I couldn't afford up front.

(cont.)

(Please attach additional sheets if additional space is needed)



(continued)

Basically, I was financially devastated and the \$815 might as well have been \$80,000. I just didn't have it.

My intention was as I received annual raises, I could afford to save enough to catch up on the maintenance fees. As everyone knows though, the country fell into a huge recession starting in late 2007. My company, American Electric Power, froze wages for 2 years. In April of this year, AEP announced plans for staff reductions (see attachment "C") on the order of 10%-15%. On May 20<sup>th</sup>, AEP announced 2,429 employees had accepted voluntary severance which amounted to 11.5% of the work force (see attachment "D"). Last week, I had to change jobs within the company due to someone else's termination, but ~~it looks like~~ I'll remain employed. I recently married someone who also works for AEP and it looks like she gets to keep her job as well.

I'm back on a fairly solid financial footing and am now in a position to maintain my patent. Hopefully, I've adequately communicated my financial distress of the past three years. I certainly wouldn't have thrown away the thousands of dollars and time I had invested in obtaining this patent were it not unavoidable.

Thank you.

Dave W. Willis

# Attachment "A"

RECEIVED

JUN 11 2010

OFFICE OF PETITIONS

September 8, 2006

Mr. Dave Wilkes  
20905 S. 4090 Road  
Claremore, OK 74017

Re: U.S. Patent No. 6,622,412  
Entitled: "Above Barrel Grip Apparatus"  
Our Docket No.: P1592

ACTION REQUIRED

MONTEREY OFFICE:  
19 UPPER RAGSDALE DRIVE  
SUITE 200  
POST OFFICE BOX 3140  
MONTEREY, CA 93942  
VOICE: 831.649.8800  
FAX: 831.649.8835  
WEB: [www.lgpatlaw.com](http://www.lgpatlaw.com)  
THE LAW FIRM OF  
**LARIVIERE  
GRUBMAN  
& PAYNE**  
LLP

RONALD E. GRUBMAN, PH.D.  
OF COUNSEL

Dear Mr. Wilkes:

Our records indicate that the first maintenance fee of \$815.00, including administrative costs, is due by **March 23, 2007** for the above-referenced patent. This amount is based on your qualifying as a small entity (*see enclosure*). As you will recall, maintenance fees must be paid periodically to keep the patent in force, as described in the Notice on the inside cover of the Certificate of Grant.

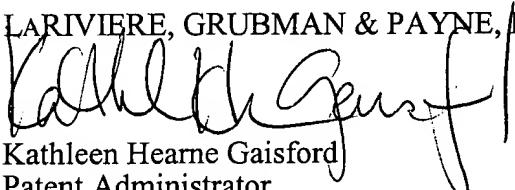
Each of these maintenance payments will be accepted within a grace period of six (6) months following the above date along with a surcharge as provided by law. If the maintenance fee is not paid, the patent will lapse; *i.e.*, become *unenforceable*.

We will appreciate receiving your instructions in time to act during the regular course of business. If instructions are given less than one (1) month prior to the deadline date, and action on this matter must be expedited, the costs will necessarily increase.

As always, if you have any questions, please do not hesitate to contact us.

Very truly yours,

LARIVIERE, GRUBMAN & PAYNE, LLP

  
Kathleen Hearne Gaisford  
Patent Administrator  
Assistant to Brent A. Capehart

/khg

Enclosure

SEATTLE OFFICE:  
206.332.0743

SAN JOSE OFFICE:  
408.294.0660

*Attachment 'B'*

IN THE DISTRICT COURT IN AND FOR ROGERS COUNTY  
STATE OF OKLAHOMA

RECEIVED

CANDICE ZAVISKY, COURT CLERK

FILED IN THE DISTRICT COURT  
ROGERS COUNTY, OKL.  
JUN 28 06

DEPUTY

DAVID WAYNE WILKES,

)

JUN 11 2010

Petitioner,

)

OFFICE OF PETITIONS

vs.

)

Case No. FD-2006-296

GLORIA DARLENE WILKES,

)

Respondent.

)

DISSOLUTION OF MARRIAGE

NOW on this 28<sup>th</sup> day of June, 2006, the captioned matter comes on for hearing before the undersigned Judge of the District Court. The Petitioner, **DAVID WAYNE WILKES**, is present in person, and by counsel, Heidi L. Shaddix. The Respondent, **GLORIA DARLENE WILKES**, appears not, but has signed a valid waiver and signified her consent to this Dissolution by virtue of her signature at the end of this Dissolution. The Court, having examined the file and records in this cause, having heard the statements of counsel, having fully considered the evidence presented and being fully advised in the premises, FINDS:

1. The Parties have each entered personal appearances and have agreed to the terms of this Decree, as evidenced by their signatures below. The Parties each agree that the terms hereof are fair and equitable and were entered into voluntarily.
2. That Petitioner had been an actual resident, in good faith, of the State of Oklahoma for more than six (6) months next preceding the filing of this action, and further, an actual resident, in good faith, of Rogers County for more than thirty (30) days immediately preceding the filing of this action.

3. The parties were married on June 25, 1983, in Rutland, Ohio, and have been since that time husband and wife.

4. That this Court has jurisdiction of the parties hereto and the subject matter hereof.

5. That the parties are incompatible, and by reason thereof, each party is entitled to an absolute Dissolution of Marriage from the other on the grounds of incompatibility.

6. Of this marriage there are no minor children. Respondent is not now pregnant.

7. That the personal property acquired by the parties during the marriage should be fairly and equitably divided between the parties, as more particularly set forth hereinafter.

8. That the debts acquired by the parties during the marriage should be fairly and equitably divided between the parties, as more particularly set forth hereinafter.

**IT IS THEREFORE ORDERED, ADJUDGED and DECREED** that the Petitioner, **DAVID WAYNE WILKES**, and the Respondent, **GLORIA DARLENE WILKES**, are hereby granted a divorce, each from the other, upon the grounds of incompatibility; **PROVIDED, HOWEVER**, that neither party may remarry for a period of six (6) months from the date of this Dissolution of Marriage, except to each other.

**IT IS FURTHER ORDERED** that the Petitioner be, and he is hereby awarded as his sole and separate property, free and clear of any claim by the Respondent, the following:

1. All of Petitioner's personal property, clothing and effects;

2. All household furnishings and effects presently in the possession of the Petitioner;
3. All personal property acquired prior to the marriage;
4. All separate property acquired since the date of filing of the Petition for Dissolution;
5. An undivided full interest in certain real property, specifically described as follows, to wit:

A tract of land containing a part of the E/2 of the E/2 of SE/4 of Section 8, Township 21 North, Range 15 East of the I.B.&M., Rogers County, State of Oklahoma, further described as follows: Commencing at the Southeast corner of said E/2 of E/2 of SE/4; thence N 00 degrees 04'59" W along the East boundary line thereof for a distance of 380.00 feet to the true point of beginning; thence continuing N 00 degrees 04'59" W a distance of 446.46 feet; thence S89 degrees 55'0 t" W a distance of 400.62 feet to the Easterly right of way line of a public road recorded in Book 652 at Page 689 of the record of the County Clerk's office, Rogers County, State of Oklahoma, thence along a curve to the left, with a radius of 1975.00 feet, a distance of 160.89 feet; thence S 14 degrees 40'59" E a distance of 255.44 feet; thence along a curve to the right with a radius of 200.00 feet a distance of 42.64 feet; thence N 89 degrees 55'01" E a distance of 295.77 feet to the point of beginning.

(more commonly known as 20905 S. 4090 Rd, Claremore, Oklahoma 74019).

6. A fifty percent (50%) interest in Petitioner's *American Electric Power System Retirement Plan* (to be effected by the entry of a Qualified Domestic Relations Order to be entered concurrently herewith);
7. The remaining interest in Petitioner's *American Electric Power System Retirement Savings Plan* after Respondent's interest of \$56,738.00 has been assigned (to be effected by the entry of a Qualified Domestic Relations Order to be entered concurrently herewith);
8. Chevrolet Truck, VIN ending in \*9935 (upon which there is no outstanding indebtedness owed to any entity);

9. Checking Account at RCB Bank (Account ending in \*6502).

**IT IS FURTHER ORDERED** that the Respondent be, and she is hereby awarded as her sole and separate property, free and clear of any claim by the Petitioner, the following:

1. All of Respondent's personal property, clothing and effects;
2. All household furnishings and effects presently in the possession of the Respondent;
3. All personal property acquired prior to the marriage;
4. All separate property acquired since the date of filing of the Petition for Dissolution;
5. 2005 Kia Amanti, VIN ending in \*2480;
6. The sum of Sixteen Thousand and no/100 Dollars (\$16,000.00), receipt of which is hereby acknowledged by the Respondent;
7. A fifty percent (50%) interest in Petitioner's *American Electric Power System Retirement Plan* (to be effected by the entry of a Qualified Domestic Relations Order to be entered concurrently herewith); and
8. An interest in Petitioner's *American Electric Power System Retirement Savings Plan* in the lump sum amount of \$56,738.00 (to be effected by the entry of a Qualified Domestic Relations Order to be entered concurrently herewith).

**IT IS FURTHER ORDERED** that the Petitioner is hereby ordered and directed to assume and pay the following debts and hold the Respondent harmless therefrom:

Mortgage with Chase, loan number ending in \*7720; and

All debts held in his name.

**IT IS FURTHER ORDERED** that the Petitioner is hereby ordered and directed

to pay to Respondent the sum of \$400.00 per month, as alimony in lieu of property division, payable on the 20<sup>th</sup> day of each month, beginning on June 20, 2006, and ending on May 20, 2009.

**IT IS FURTHER ORDERED** that the Respondent is hereby ordered and directed to assume and pay the following debts and hold the Petitioner harmless therefrom:

Loan on 2005 Kia Amanti, VIN ending in \*2480; and

All debts held in her name.

**IT IS FURTHER ORDERED** that each of the parties hereto is hereby ordered and directed to forthwith execute and deliver to the other the necessary deeds, conveyances, transfers and muniments of title necessary to carry into effect the terms of this Dissolution of Marriage, and in the event either party fails to do so within ten (10) days from the date hereof, then this Dissolution of Marriage shall act as such conveyances.

**IT IS FURTHER ORDERED** that Petitioner has paid all attorneys' fees and costs owed to Shaddix & Reimer, PLLC and will not hold Respondent responsible for any such fees and costs.

Dated this 28 day of June, 2006.

*Levin O'Brien*  
\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

APPROVED FOR ENTRY:

David Wayne Wilkes  
David Wayne Wilkes, Petitioner

H  
Heidi L. Shaddix, OBA No. 17170  
Juliana K. Reimer, OBA No. 16153  
SHADDIX & REIMER, PLLC  
202 E. 1<sup>st</sup> Street  
Owasso, OK 74055  
918-274-4242 Telephone  
918-274-0460 Facsimile  
*Attorneys for Petitioner*

Gloria Darlene Wilkes  
Gloria Darlene Wilkes, Respondent *Pro Se*  
20905 S 4090 Rd  
Owasso, Oklahoma 74055  
(918) 342-3571

I, Candi Czapansky, Court Clerk for Rogers County, Oklahoma hereby certify that the foregoing is a true and correct and full copy of the instrument herewith set out as appears of record in the Court Clerk's Office of Rogers County.

Oklahoma this 28 day of June, 2006  
By Candi Czapansky Candi Czapansky  
DEPUTY COURT CLERK



Attachment C

You are here: [AEP Now](#) / [News & Events](#)

## Morris provides details on expenditure, work force actions in webcast

[Print this](#)

Wednesday, Apr 14, 2010 at 1:00 p.m. ET | By: [Ken Drenten](#)

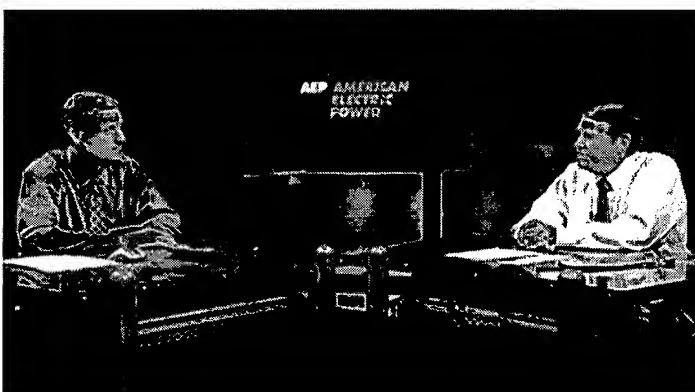
### Special to AEP Now



Related video:

[Mike Morris Webcast](#)

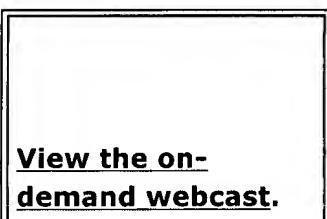
Mike Morris, AEP chairman, president and chief executive officer, will make comments and answer ques...



Mike Morris (right), responds to an employee's question, posed by Dale Heydlauff (left), during today's webcast.

[Mike Morris](#), AEP chairman, president and chief executive officer, spoke on the state of AEP and answered questions about the company's need to further reduce corporate expenditures and decrease the size of the work force, in a webcast for employees today.

Morris answered numerous questions from employees related to details of the expenditure and staffing reduction plan, and addressed the economic market realities faced by AEP that led to the decision. The 42-minute webcast was hosted by [Dale Heydlauff](#), vice president - Corporate Communications.



[View the on-demand webcast.](#)

"What we have seen, unfortunately, is a continuation of a sluggish economy in many of the areas where we do business," Morris said. He added that the company's actions in response to the economic challenges are being carried out to keep AEP strong for shareholders, customers and employees.

"This is about the future of the company," he added. "This is about 2010 to 2015."

AEP will immediately begin two simultaneous initiatives to achieve workforce reductions and to decrease non-labor expenditures, with a goal of achieving a very significant reduction in O&M spending, and reducing the AEP work force by between 5 and 10 percent.

One action is a voluntary severance program. The program will be the same as in the past, with participating employees receiving two weeks' base pay for every year of service. For forms and more information, go to [HR Now](#).

A leadership team, chaired by Carl English, chief operating officer, will lead the process. The team will be composed of Nick Akins, executive vice president - Generation; Bob Powers, president - AEP Utilities; Barbara Radous, senior vice president - Shared Services; Brian Tierney, executive vice president and chief financial officer, and Susan Tomasky, president - AEP Transmission.

"We have worked very hard since the global economic collapse in the early fall of 2008 to try and keep from impacting employee levels at AEP, other than the imposition of a hiring freeze," Morris said. "While many may view this as a welcome opportunity to transition to the next phase of their lives, I fully understand that these initiatives will be unsettling to some employees. However, they are necessary in order to keep our company sustainable and successful. I am committed to keeping you informed throughout the process."

Remaining questions from employees that did not receive answers during the webcast will be researched and posted on AEP Now in the near future.

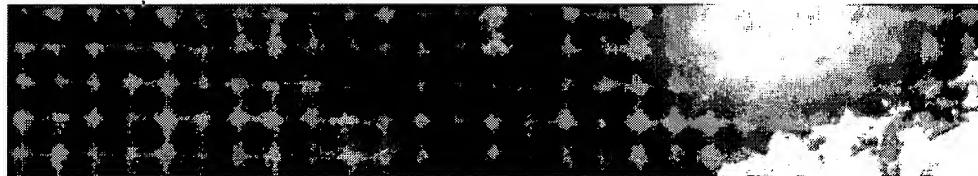
----

## React to this story

No one has yet reacted publicly to this story.

Name

Comments



Attachment D-

You are here: [AEP Now](#) / [News & Events](#)

## Update on AEP Cost Structure Realignment and Severance Program

[Print this](#)

Thursday, May 20, 2010 at 9:15 a.m. ET

### Special to AEP Now

The deadline for employee acceptance of voluntary severance packages has now closed, with 2,429 employees electing to terminate their employment in the near future, most by the end of this month.

In the wake of these departures, business unit leaders and department heads are assessing their organizations to assure safety, customer and other business requirements are effectively addressed. This process will involve some reorganization, the consolidation and streamlining of positions, and re-staffing, especially for those critical front line positions necessary to provide service to our customers and a safe environment for our employees.

All leaders are being asked to carefully examine their processes, organizational structures and employment levels to identify additional positions that can be eliminated in order to achieve our cost structure realignment.

Those affected by an involuntary severance will receive the same severance package as those employees who volunteered for severance. Details about the severance program can be found under the [Severance Program tab on HR Now](#).

Employees slated for separation will be notified by June 30. We appreciate your continued understanding, patience and safe attention to business as we work our way through this challenging time.

----

### React to this story

5 individuals have [reacted publicly to this story](#).

Comments

## 1. SMALL ENTITY

Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input checked="" type="checkbox"/>	\$ _____	3 ½ yr fee	<input checked="" type="checkbox"/>	\$ <u>490</u>	3 ½ yr fee
<input type="checkbox"/>	\$ _____	7 ½ yr fee	<input type="checkbox"/>	\$ _____	7 ½ yr fee
<input type="checkbox"/>	\$ _____	11 ½ yr fee	<input type="checkbox"/>	\$ _____	11 ½ yr fee

MAINTENANCE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ \_\_\_\_\_

## 5. MANNER OF PAYMENT

- Enclosed is a check for the sum of \$ 1190
- Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_
- Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_

**7. OVERPAYMENT**

As to any overpayment made, please

 Credit to Deposit Account No. \_\_\_\_\_**OR** Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

**8. SHOWING**

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

**9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**

Signature(s) of Petitioner(s)

Date

Typed or printed name(s)

Registration Number, if applicable

Address

Telephone Number

Address

**ENCLOSURES:**

- Maintenance Fee Payment
- Statement why maintenance fee was not paid timely
- Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)
- Other:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

---

Signature

---

Date

---

Type or printed name

---

Registration Number, if applicable**STATEMENT**

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

*(Please attach additional sheets if additional space is needed)*